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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

On Progress in Bulgaria under the Co-operation and Verification Mechanism

{SWD(2015) 9 final}

1. INTRODUCTION

The Cooperation and Verification Mechanism (CVM) was set up at the accession of Bulgaria to the European Union in 2007.[1] It was agreed that further work was needed in key areas to address shortcomings in judicial reform, the fight against corruption, and tackling organised crime. Since then CVM reports have charted the progress made by Bulgaria and have sought to help focus the efforts of the Bulgarian authorities through specific recommendations.

The CVM has played an important role in the consolidation of the rule of law in Bulgaria as a key facet of European integration. Monitoring by the Commission and cooperating with the work of the Bulgarian authorities to promote reform has had a concrete impact on the pace and scale of reform. The Commission's conclusions and the methodology of the CVM have consistently enjoyed the strong support of the Council,[2] as well as benefiting from cooperation and input from many Member States.

This report summarises the steps taken over the past year and provides recommendations for the next steps. It is the result of a careful process of analysis by the Commission, drawing on inputs from the Bulgarian authorities, civil society and other stakeholders. The Commission was able to draw on the specific support of experts from the magistracy in other Member States to offer a practitioner's point of view.

The political uncertainties of the past year in Bulgaria have not offered a stable platform for action. This report will point to a number of areas where problems have been acknowledged and where solutions are starting to be identified. These will need to take root for the sustainability of change to be shown. Bulgaria can also do more to collect (and publish) data on the judiciary and law enforcement.

The extent of the challenge has been illustrated by opinion polling of Bulgarians themselves. A Eurobarometer taken in the autumn of 2014 showed a strong consensus in Bulgarian society that judicial reform, the fight against corruption and tackling organised crime were important problems for Bulgaria. The results also showed a concern amongst Bulgarians that the situation had deteriorated, though with hope that this trend might reverse and with strong support for an EU role in addressing these issues, and for EU action to continue until Bulgaria had reached a standard comparable to other Member States.[3] These attitudes underline that continuation of the reforms is crucial for the quality of life of citizens, both because of the impact of corruption and organised crime on the Bulgarian economy and because of the importance of the rule of law for a functioning and free society.

The CVM is designed to monitor longer-term trends rather than take a snapshot of the situation at a particular moment. However, this report seeks to take into account the perspectives put in place by the government which took office in November 2014 and to identify some key landmarks which can illuminate the progress of these policies in the future.

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1 Conclusions of the Council, 17 October 2006 (13339/06); Commission Decision establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime, 13 December 2006 (C (2006) 6570 final)

2 Council conclusions on previous reports: http://ec.europa.eu/cvm/key_documents_en.htm

3 Flash Eurobarometer 406

In this way, the Commission hopes this report will help in building a new consensus to accelerate reform in Bulgaria. The recommendations set out in this report, well-targeted EU funds and the engagement of other Member States[4] together show how the EU stands ready to support a renewed effort.

2. STATE OF THE REFORM PROCESS IN BULGARIA

2.1 Reform of the judiciary

Independence, accountability and integrity of the judiciary

The Supreme Judicial Council (SJC) has wide-ranging powers to manage and organise the Bulgarian judicial system. The 2014 CVM report noted that despite some important steps in terms of managerial reform, the SJC was not widely regarded as "an autonomous and independent authority able to effectively defend the judiciary's independence vis-à-vis the executive and parliamentary branches of government".[5] The work of the SJC in 2014 has continued to be subject to controversy, with several incidents in relation to appointments, dismissals or the control of the application by courts of the system of random allocation of cases. In addition to this, tensions between the SJC and its Civic Council, set up to represent civil society, have developed over time, with claims on the part of civil society actors that their views are not being adequately taken into account. Several organisations, including the largest judges' association, have left the Civic Council as a result. Perhaps partly in reaction, the SJC has developed its communication strategy and has taken some further steps in terms of transparency.[6]

One issue raised by stakeholders linked to independence is the management of the two branches of the magistracy by their peers. Different Member States have different degrees of autonomy for judges and prosecutors within judicial councils. This has become an area of debate in Bulgaria, with several calls for separate chambers within the SJC to determine career and disciplinary decisions concerning judges and prosecutors, with more horizontal issues being dealt with in plenary. The underlying reason for such calls is the different organisational structures and roles of judges and prosecutors, but also the fact that decision making on appointments and disciplinary matters could be used by one constituency of the SJC to pressurise the other.

This idea of a change of the SJC structure has been taken over in the new proposal for a judicial reform strategy adopted by the Bulgarian government and the Parliament.[7] The SJC, without fully opposing the change, has raised feasibility concerns, considering it would require a change of the Constitution, and could not be enacted through a legislative amendment of the Judicial System Act. In addition, the reform strategy touches upon wider issues such as the election of SJC members. Previous CVM reports have already made recommendations which would hold good for the SJC's next elections, to increase transparency and address integrity in the selection procedure, including through "one judge

4 Some Member States provide technical assistance to Bulgaria in CVM-relevant areas.

5 COM(2014) 36 final, p.3

6 Technical report section 2.1

7 Reports suggest however that this issue was questioned in Parliament on 21 January 2015.

one vote" for the judicial quota of members of the Council.[8] The new strategy also raises the issue of reducing the power of court presidents, raised in the past as an important issue for the independence of individual judges.

The importance of more transparency and objectivity in judicial appointments has been a consistent theme in CVM reports.[9] Although some of the peaks of controversy seen in 2012-13 were avoided in 2014, the question of high level appointments within the magistracy has remained problematic. In particular, the election of the President of the Supreme Court of Cassation (SCC) was postponed on several occasions, despite the fact that candidates with good credentials had applied – with solid experience in the SCC itself – and amidst controversy over the voting system. Nominations of administrative heads of other courts raised concerns about the openness and merit-based nature of the selection procedure. In addition to this, questions submitted to the SJC by NGOs concerning integrity issues of certain candidates do not always seem to have been addressed, even though the SJC carries out a formal integrity check of all candidates – an important part of the procedure since it can lead to a negative opinion. Some procedural improvements have taken place which could lead to greater transparency in the procedures, such as in particular the introduction of a possibility for the judges at the SCC to organise a hearing of the candidates for President of the Court. Such new procedural options can both enhance the credibility of appointments and improve the ownership of rank and file judges in the process.

A key actor in promoting integrity and efficiency within the judiciary has always been the Judicial Inspectorate. The election of its Chief Inspector, after a long vacancy of the position, was considered as a test case by the January 2014 CVM Report.[10] The election has so far not yet taken place. The procedure in Spring 2014 attracted candidates who seemed well qualified for the post, but a lengthy process meant that Parliament did not reach the stage of a vote. As a result, the Inspectorate has remained without the strong independent leadership foreseen in the Constitution. This will remain an important test case in 2015 of the ability of the Bulgarian institutions to carry out transparent and merit-based appointments to high-level offices in the judiciary.[11]

Another recommendation of the 2014 Report[12] was a thorough and independent analysis of the system of random allocation of cases, to ensure it is secure, and that administrative heads of courts are made to account in full for any decision not to use random allocation. The SJC has taken some steps to analyse potential vulnerabilities and drew up plans to modernise the system in the context of a longer term e-Justice project. The allocations can now be collected centrally, facilitating checks. However, this interim solution does not appear to have improved security. Specific shortcomings identified in a March 2013 audit of the Supreme Administrative Court and the Sofia City Court were not followed up. As a result, a series of

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8 COM (2012) 411 final, p.11.

9 See for example COM (2012) 411 final, p.6 and COM (2014) 36 final, p. 9.

10 COM (2014) 36 final, p.4.

11 The National Assembly has re-started the procedure with a deadline for nomination of candidates on 30 January 2015.

12 See Recommendation p. 9 of COM (2014) 36 final.

scandals concerning case allocation in the Sofia City Court broke out in autumn 2014.[13] These problems were not identified by the SJC – the issues had to be raised by outside actors.

Whilst delays in the preparations for a longer-term solution are unfortunate, the more important issue is the reaction to evidence of transgressions. The reaction of the SJC in autumn 2014 suggested that this is a low priority for the Council, in spite of the potential for criminal as well as disciplinary offences. It seems likely that the reputation of the judiciary in Bulgaria will continue to be damaged until a fully secure system is in place. Using external IT security expertise to test the new system would help to reassure that this is on the right track.[14]

Reform strategies for the judicial system

Steps have been taken by the Ministry of Justice with first the roadmap for addressing the 2014 CVM recommendations (although its current status and deadlines are to be clarified) and then in the autumn with the presentation of a long awaited judicial reform strategy.[15] This comprehensive document would replace the 2010 strategy, which has been only partially implemented. The Strategy was adopted by Decision of the Council of Ministers on 17 December 2014 and broadly endorsed by Parliament on 21 January 2015.[16]

Consensus and ownership has been pursued by encouraging a debate on the text.[17] The Prosecutor-General and the SJC have reacted in detail. The text includes many elements called for by civil society and professional organisations,[18] and indeed points raised by previous CVM reports. Its goals are to ensure the good governance of the judicial authorities and improve human resource aspects, but also more broadly to modernise criminal policy and improve the protection of fundamental rights. The strategy has introduced a degree of clarity and urgency into the debate on judicial reform – this will now need to be carried through into implementation.

From the side of the prosecution, there has been significant progress with the implementation of the action plan put forward by the Prosecutor-General in 2013. Partly sparked by the judicial reform strategy, the Prosecutor-General also made new proposals in November 2014 for the decentralisation of the prosecution and for providing additional guarantees of non-interference in the work of prosecutors.[19]

Work on a new criminal code has progressed, but still lacks a consensus. Experts and practitioners have expressed divergent views about whether a complete rewrite is needed, or just amendments – and about the overall rationale. The current intention seems to be to follow a two track approach, with a first stage consisting of swift amendment of parts of the criminal code (and possibly of the criminal procedure code) on certain more urgent issues, including

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13 Notably in relation to the allocation of bankruptcy procedures in two emblematic cases. See technical report section 4.1.

14 This could be expected to be a good area for the support of EU funds.

15 Available on the website of the Ministry of Justice (in Bulgarian): http://mjs.bg/107/

16 It appears that some elements of the strategy were questioned in Parliament.

17 Under the interim government in October 2014, the text was put forward as a draft.

18 See most notably the above-mentioned proposals for a division of the SJC into chambers for decisions concerning appointments and disciplinary matters.

19 The concrete proposals presented by the Prosecutor-General, aiming at a more decentralised, transparent and accountable prosecution office, could also be considered in the context of broader changes to the Criminal Procedure Code and the Judicial Systems Act.

provisions related to the fight against corruption and organised crime. In a second stage and on the basis of thorough impact assessment and public consultation, the need for a new criminal code would be determined. This could be part of a broader reflection on future criminal policies, which needs time in order to build consensus.[20]

Efficiency of the judicial system

Work has continued within the SJC on a methodology for the assessment of the workload of magistrates and judicial bodies.[21] One of the goals is to set up rules on how to measure and allocate workload, taking into account the complexity as well as the scale of cases. Differences in the workload today are seen as a significant cause of inefficiency in the system. All regional courts will be reviewed, taking into account socio-economic as well as demographic factors and the imperative of guaranteeing access to justice, with a view to presenting a proposal for a new judicial map for the regional courts before the end of 2015. There have already been concrete steps taken in rationalising military courts. A solid methodology would offer the right basis to assess whether it is justified to close down courts with very little workload (or instituting a system of "mobile courts"), while redistributing resources towards other overburdened courts. Work on a broader reform of the judicial map is likely to take longer, notably as the SJC would need to coordinate with a wider range of stakeholders,[22] even if the final decision rests with the SJC.

In terms of broader human resource management, appraisal and promotion systems as well as the quality of training are key factors. Here the Government's judicial reform strategy sets out some elements for future improvements. The National Institute of Justice continues to develop its repertoire of training for judges.[23]

Disciplinary action has been another area highlighted in CVM reports. Problems have included a lack of consistency (and clear standards to deliver this), with a high proportion of decisions being overturned in appeal. The SJC has recently adopted some steps including general guidelines in this area, though this does not appear to have been based on a clear analysis of shortcomings. It is too early to say if the measures taken will be sufficient to avoid continued controversy over disciplinary proceedings in the future.

Another issue which CVM reports have urged to address is the effective implementation of court judgements and notably the problem of convicted criminals having been able to escape justice and abscond. Some work has been done, and some managerial steps followed through an interagency action plan for 2014. However, the response of the authorities continues to lack conviction. The issue has not been looked at comprehensively, so it is difficult to assess

20 The preparations that have been ongoing since 2009 in this area should provide a rich basis in terms of analytical input.

21 Partly in response to CVM recommendations (see for example COM(2014) 36 final, p.10), the analytical work which is currently being carried out within the SJC could also further improve the basis for assessments, for example by better accounting for workload and developing a clearer basis for the regular appraisal of magistrates.

22 There are implications for the territorial organisation of other public services.

23 Technical report, section 4.2.

the extent to which one-off measures (such as the use of electronic monitoring) will fill the gaps.[24]

2.2 Corruption

Corruption remains a serious issue in Bulgaria. In the recent Eurobarometer survey, almost all respondents identified corruption (97%) as an important problem.[25]

It has been a long standing recommendation of the CVM that Bulgaria reviews and updates its national anti-corruption strategy.[26] The first informal results of a recent evaluation of the impact over past years of the Bulgarian anti-corruption strategy, carried out by the Bulgarian authorities, appears to constitute an important contribution in terms of an honest assessment of the shortcomings of the strategy. These include a piecemeal approach, the insufficient use of risk assessments, and an absence of monitoring and evaluation. Though ministerial inspectorates have developed a culture of improved control, the absence of a centralised structure or common benchmarks results in different ministerial inspectorates acting in an uncoordinated way. Arrangements at local level seem to show major gaps. As for the structure assigned by Bulgaria to perform risk analysis (BORKOR), this does not seem to have delivered results in proportion to its costs, and in any event can only be seen as providing analytical input. This body is not designed to provide political direction.[27]

This assessment of the shortcomings of the current anti-corruption system could be the starting point of a long-awaited reform. A consultation of all stakeholders would allow experience to be taken into account and build ownership for the exercise. Civil society has developed useful experience in the field of anti-corruption, which should be used to the full.

Preventive measures seem in their infancy in most cases. Some lessons have been learned in particular areas,[28] but these reflect piecemeal efforts. There is no evidence of a structure to exchange best practice or to give credit to successes. The public administration does not have a comprehensive system of compulsory monitoring of anti-corruption activities and reporting to a central point.

As set out in successive CVM reports, public procurement is a high risk area in terms of corruption. Systems to check the procedures can be strengthened, in line with the recent strategy for the Bulgarian public procurement system which has been developed in response to recommendations from the Commission services.

Regarding conflicts of interest and illicit enrichment, the Commission on the Prevention and the Ascertainment of Conflicts of Interest (CPACI) has been awaiting legislative changes as well as nominations at managerial level. Both are important to the effective operation of the Commission,[29] and the forced resignation of the former Chairman following evidence of

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[24] See technical report, section 6.2.

[25] Flash Eurobarometer 406

[26] Similarly, the EU Anti-Corruption Report 2014 highlighted a number of challenges in Bulgaria (COM (2014) 38 final). Corruption (as well as judicial independence) are also noted as challenges for Bulgaria in the 2014 country specific recommendations in the context of the European Semester of economic policy coordination. (OJ 2014/C 247/02).

[27] COM(2014) 36 final, p. 7; technical report section 5.4.

[28] Such as avoiding the handling of cash by customs officers and border guards, or rotating staff.

[29] Technical report section 5.4.

trading in influence[30] would suggest there is a degree of urgency to put the Commission back on a sound footing. However, these decisions have now been pending throughout 2014. This is the responsibility of Parliament, and the delays run the risk of increasing the impression that decisions where integrity concerns should predominate are being taken on political grounds. In terms of corruption prevention, a better use might be made of asset declarations submitted by public officials in terms of identifying risk areas and possible cases of illicit enrichment.

Effective prosecution and final convictions are central to the credibility of any anti-corruption strategy. There are so far very few final convictions in cases involving substantial corruption, despite the scale of the problem.[31] Positive steps have been taken in the General Prosecution to prioritise corruption, and there has been an increase in the number of cases initiated and the speed with which they progress. A few of these cases concern individuals in high-level positions. As in the case of organised crime, monitoring of the evolution of corruption cases at court level is essential to identify aspects of court practice which can be manipulated to delay the course of justice. Cases sometimes appear to stall for a substantial amount of time at court level before being sent back to the prosecution with a short deadline to perform supplementary tasks.

A small specialised structure has been put in place by the Prosecution, staffed by prosecutors and investigators from the State Agency for National Security (SANS), to more effectively investigate corruption in the public administration. The unit has so far mostly been targeting cases of local corruption, which could not be handled at local level given local relationships and pressures. The model of specialised structures to fight corruption appears to have seen some early results, but the test will come with more high level cases and a development of operational capacities. It will also be important that structural changes to SANS do not undermine the effectiveness of this work.

Another problem appears to lie with deficiencies in rules in the Criminal Code to fight corruption, and in particular "high-level corruption", trading in influence and the differentiation of active and passive corruption. There seems to be an acute need to modernise the Code in this area, which could benefit from rapid amendments, in parallel to a broader reflection on criminal policy and a new code.

2.3 Organised crime

Organised crime remains a problem in Bulgaria. This is recognised in public attitudes,[32] and high-profile recent cases of public shootings and the murder of a witness have provided a clear reminder of the severity of the situation. Whilst the number of cases initiated by the prosecution seems to have increased substantially in 2014, the number of cases that have reached final conclusion remains low.[33] Authorities working in this area have reported to the Commission concerns over pressures at local level hampering effective investigation of crime

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[30] This has been the subject of criminal proceedings.

[31] SANS' report on its activities for 2014 was able to point to much more activity on organised crime than on anti-corruption.

[32] It is perceived as an important problem by 96% of Bulgarian citizen surveyed in the recent Flash Eurobarometer 406.

[33] Technical report section 6.1.

and corruption. The intimidation of witnesses remains a serious problem, and there may be ways to encourage witnesses to accept more readily witness protection programmes.[34]

The specialised prosecution and court put in place two years ago are slowly starting to yield some results, with a few final convictions, and some evidence of swifter procedures. But their action remains hindered by an unfocussed attribution of tasks and very formalistic provisions of the Criminal Procedure Code. The Prosecutor-General made proposals in November to address some of these issues.

Despite substantial efforts, asset forfeiture and confiscation still do not seem sufficiently targeted against organised crime groups. Interim freezing measures are ordered by the Prosecution when urgent and passed on to the Assets Forfeiture Commission. This Commission continues to achieve significant results, in spite of a burdensome legal framework. The last CVM report noted question marks with regard to the new legal framework for asset forfeiture[35] – these issues remain outstanding.

The Ministry of Interior has own capacities for forensic, DNA, ballistic and graphology, but other fields of expertise require using experts accredited to courts, raising questions of availability, competence, costs and – possibly – impartiality. Bulgaria does not have a bureau of experts or similar mechanism. Observers have raised this issue as one potential reason for the failure of cases to progress in court.[36]

The new Bulgarian government has announced its intention to remove the investigation of organised crime from the mandate of the SANS, reversing the controversial merger of the former police directorate on organised crime – GDBOP – with SANS in 2013.[37] The previous reform in this area resulted in several months of operational disruption in organised crime cases, including in cooperation with other Member States' security services. Concerns have been expressed that a new reorganisation of the services responsible for investigating organised crime risks similar disruption, but the government has made clear that it is conscious of this risk and will take measures to facilitate the transition.

3. CONCLUSIONS AND RECOMMENDATIONS

Since the Commission's last report in January 2014, progress in terms of addressing judicial reform and making concrete advances on corruption and organised crime has been slow. The fact that the period covered by this report saw three different governments and a deadlocked parliamentary situation has clearly contributed to a lack of resolve to reform. However, the foundation stone for taking reform forward is to acknowledge the problems and identify measures to remedy them. The current government has taken an important step by adopting a judicial reform strategy with an impressive level of precision. There are also indications that the forthcoming analysis of the existing anti-corruption measures will provide a helpful input to reflections on a future strategy. The next phase would be to show that reform is genuinely a

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[34] In a recent case of the murder of a witness in an emblematic case, the witness has declined to participate in a witness protection programme.

[35] COM (2014) 35 final, p.8

[36] Technical report section 6.1.

[37] COM (2014) 35 final, p.8

political priority by rapidly taking these frameworks forward, building consensus and identifying precise actions with specific milestones – and then to ensure their implementation. This would require a further change in political culture, and a real sense that these issues are at the top of the agenda.

Some of the key institutions have continued to develop managerial changes which should support the effort to carry reform through into change on the ground. In addition to accelerating reform in line with the strategy, more systematic and professional gathering of data, and more transparency about putting information in the public domain, would also help build confidence in the professionalism and commitment of the authorities.

The credibility of progress will also depend on the reaction to specific controversies and on progress in respect of specific cases. Past CVM reports have noted how public scepticism about reform has been fuelled by controversy in areas like transparency and merit in judicial appointments, or the reaction to transgressions like the absconding of convicted criminals or evident failures in random case allocation. The Bulgarian authorities' reactions in such cases continue to lack conviction, fuelling doubts about judicial independence. It remains the case that the number of final court judgments on high-level corruption and organised crime cases is very low. These shortcomings in terms of the key measures of change also lie at the heart of Bulgarians' scepticism about reform so far, as shown by opinion polling.[38]

The Commission invites Bulgaria to take action in the following areas:

1. Independence, accountability and integrity of the judiciary

The judicial reform strategy includes many proposals designed to address weaknesses in this area. Such measures need to be backed up with an awareness that the credibility of the system relies on the authorities showing a determination to maximise objectivity and to ensure that transgressions are handled robustly.

- Pursue reform of the organisation of the SJC, involving the professional associations and other relevant stakeholders, including looking ahead to procedures for the next elections to the SJC which will deliver an SJC which can command confidence;
- Apply objective standards of merit, integrity and transparency to appointments within the judiciary, including for high level offices, and make these appointments in a timely manner. Integrity issues are of particular importance and those responsible for appointments have to show that any questions have been followed up;
- Swiftly resolve the impasse on the nomination for the post of Chief Inspector;
- Improve rapidly the security of the system of random allocation of cases and accelerate ongoing work on its modernisation; perform rigorous and impartial investigations into all cases where suspicions of possible tampering with the system are raised.

2. Reform of the Judicial System

The judicial reform strategy constitutes a solid basis for future action and the debate it has sparked has shown bodies like the General Prosecution making a constructive response.

[38] Flash Eurobarometer 406.

- Implement the new judicial strategy as adopted by the government, as well as the detailed ideas proposed by the prosecution;
- Address the critical areas in the criminal code which need urgent improvement to improve the fight against corruption and organised crime;
- Agree on a detailed timeframe for longer term reflection on the fundamental goals of a new criminal code.

3. Efficiency of the judicial system

The Supreme Judicial Council has been taking some important managerial steps which now need to be followed through.

- Complete the methodology for the assessment of workload of magistrates and courts and consult all key stakeholders to offer an objective basis for the reform of the judicial map (if necessary, disassociating the courts from other public service maps);
- Enforce clear procedures and standards for penalties to ensure consistent disciplinary rulings;
- Implement work to close loopholes in the effective implementation of court decisions, such as absconding to evade prison sentences or failure to apply financial sanctions defined in court.
- Make concrete progress on e-justice as a mean to improve the judicial process.

4. Corruption

The forthcoming evaluation of Bulgaria's anti-corruption strategy should provide a useful analysis of the challenges facing Bulgaria. It can help both in defining a new strategy and in starting concrete steps to begin to tackle the problems, both in terms of prevention and effective prosecution.

- Entrust a single institution with the authority and autonomy needed to coordinate and control the enforcement of the anti-corruption activities; create a uniform set of minimum standards for the public sector in terms of control bodies, risk assessment and reporting obligations;
- Put in place a solid national anti-corruption strategy, starting with publication of the analysis of the shortcomings of the current strategy;
- Ensure a determined follow-up to the public procurement strategy adopted in July 2014;
- Finalise the nomination procedures for the remaining members of the CPACI and the legislative changes to the conflicts of interest law;
- Assess how the system of assets declarations can be put to a better use (such as targeting checks through risk assessment);
- Reinforce the capacity of the prosecution to pursue high-level corruption cases;
- Monitor the progress of high level corruption cases and define and take steps to avoid the exploitation of procedural loopholes to delay the process of justice.

5. Organised crime

It remains the case that the large number of outstanding cases and the few examples of progress cast a shadow over work to address organised crime and to improve the professionalism of law enforcement in this area.

- Create the necessary conditions for the Specialised Court for Organised Crime and the attached Prosecutor's Office to be able to concentrate on high profile, complex cases;
- Monitor the progress of high level organised crime cases and define and take steps to avoid the exploitation of procedural loopholes to delay the process of justice;

- Ensure that necessary safeguards are taken to prevent high-level defendants absconding from justice or managing to hide criminally acquired property before a final court decision, with a clear assignment of the responsibility for any failings;
- Ensure that any changes to the structures involved in the investigation of organised crime are carried out in such a manner as to ensure operational continuity.